

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF No. 2831, 2856

(Jointly Administered)

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY (“HTA”)

Debtor.

PROMESA
Title III

No. 17 BK 3567-LTS

**This Notice relates only to HTA
and shall only be filed in the lead
Case No. 17 BK 3283-LTS and
Case No. 17 BK 3567-LTS.**

**Re: ECF Nos. 345, 406, 2831,
2856**

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URGENT MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Puerto Rico Highways and Transportation Authority (“HTA”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act

¹The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

2-2017, respectfully submits this urgent motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Extending Deadlines under Order Scheduling Briefing in Connection with Notice of Compliance and Petition for Payment of Funds* [Case No. 17 BK 3283-LTS, ECF No. 2856] (the “Amended Scheduling Order”).²

Request for Relief

1. On December 7, 2017, Adrián Mercado Jiménez (“Movant”) filed the *Notice of Compliance and Petition for Payment of Funds* [Case No. 17 BK 3567-LTS, ECF No. 345], seeking payment of \$16,448 (the “Settlement Amount”).

2. On February 5, 2018, Movant and HTA entered into a stipulation modifying the automatic stay set forth in Bankruptcy Code sections 362(a) and 922(a), made applicable to the Title III Case by PROMESA section 301(a), for the limited extent necessary to allow HTA to pay Movant the Settlement Amount due under the Prepetition Stipulation (the “Stay Stipulation”).

3. On February 27, 2018, Movant filed the *Motion Informing Status of Case and Request of Order* [Case No. 17 BK 3567-LTS, ECF No. 406] (the “Motion”) where Movant alleges that the payment of the Settlement Amount pursuant to the Stay Stipulation was consigned in the state court proceeding rather than paid directly to Movant via check.

4. On April 2, 2018, the Court entered the *Order Scheduling Briefing on Motion Informing Status of Case in Connection with Notice of Compliance and Petition for Payment of Funds* [ECF No. 2831], which was amended by the Amended Scheduling Order on April 6, 2018,

² The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this motion on behalf of HTA.

providing that opposition papers to the Motion must be filed by April 13, 2018, and Movant's reply papers must be filed by April 18, 2018.

5. HTA has engaged in discussions with Movant to reach a consensual resolution of the Motion. During this process, certain facts have come to light relevant to the resolution of the Motion, and accordingly, HTA submits that it requires additional time to allow it to finalize negotiations with Movant. In consideration of the foregoing, HTA is requesting the following extensions of the deadlines set forth in the Amended Scheduling Order:

- The deadline to file oppositions to the Motion, or to otherwise respond, shall be extended to **April 20, 2018**.
- The deadline for Movant to file a reply to any oppositions shall be extended to **April 25, 2018**.

6. Pursuant to Paragraph 1.H of the *Fourth Amended Notice, Case Management and Administrative Procedures* (Case No. 17 BK 3283-LTS, ECF No. 2839-1) (the "Case Management Procedures"), HTA hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; have not created the urgency through any lack of due diligence; have made a bona fide effort to resolve the matter without a hearing; have made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and have conferred with counsel for the Oversight Board, and no party opposes the relief requested herein.

Notice

7. HTA has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA;

(d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

8. HTA submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, HTA respectfully requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: April 13, 2018
San Juan, Puerto Rico

Respectfully submitted,

/s/ Peter Friedman

John J. Rapisardi

Suzzanne Uhland

(Admitted *Pro Hac Vice*)

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³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

s/Carolina Velaz-Rivero

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Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

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In re:

THE FINANCIAL OVERSIGHT AND
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PUERTO RICO HIGHWAYS AND
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Debtor.

PROMESA

Title III

No. 17 BK 3567-LTS

Re: ECF No. _____

**ORDER FURTHER EXTENDING DEADLINES UNDER
ORDER SCHEDULING BRIEFING IN CONNECTION WITH
NOTICE OF COMPLIANCE AND PETITION FOR PAYMENT OF FUNDS**

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Upon the *Urgent Motion for Extension of Deadlines* (the “Extension Motion”);² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Extension Motion is in the best interests of HTA and Movant; and the Court having found that HTA provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Extension Motion; and the Court having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Extension Motion is granted as set forth herein.
2. The deadline to file oppositions to the *Motion Informing Status of Case and Request Order* [Case No. 17 BK 3567-LTS, ECF No. 406], or to otherwise respond, shall be extended to **April 20, 2018**.
3. The deadline for Movant to file a reply to any oppositions shall be extended to **April 25, 2018**.

Dated: _____, 2018

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion.